SUPREME COURT OF THE UNITED STATES.

No. 186.

BENJAMIN LOMARD, JR., PLAINTIFF IN ERROR,

vs.

BARNARD SLOEY AND HUMPHREY LYNCH.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

GOVERNMENT PRINTING OFFICE.

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1 Pleas in the circuit court of the United States of America for the eighth circuit and northern district of Illinois, before the judges thereof, at the city of Chicago, in the district aforesaid, on Friday, the thirty-first day of July, in the July term of said court, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-eighth year.

WM. H. BRADLEY, *Clerk.*

BENJAMIN LOMBARD Jr.,
vs.
BARNARD SLOEY and HUMPHREY LYNCH.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Be it remembered, that on the seventh day of July, in the year of our Lord one thousand eight hundred and sixty-two, came said plantiff, by his attorney, and filed in the office of the clerk of the circuit court of the
2 United States of America for the northern district of Illinois, at Chicago, in said district, his bond for costs in said entitled cause, and his declaration in ejectment against said defendants, together with a notice and affidavit thereto attached, which said bond, declaration, notice and affidavit are in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

Circuit court, July term, A. D. 1862.

BENJAMIN LOMBARD, Jr.,
v.
BARNARD SLOEY and HUMPHREY LYNCH. } In ejectment.

I hereby enter myself security for costs in this cause, and promise to pay all costs which may accrue to the opposite party in this action, or to any of the officers of this court, and in default of payment by the plantiff of any costs ordered or adjudged to be paid by him, hereby agree and stipulate that execution may issue against my property for any costs taxed against him. Dated this 6th day of July, A. D. 1862.

E. W. HAZARD.

3 Endorsed: Filed July 7, 1862.

WM. H. BRADLEY, *Clk.*

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

United States circuit court, July term, A. D. 1862.

Benjamin Lombard, jr., who is a citizen of the State of Massachusetts, by E. W. Hazard, his attorney, complains of Barnard Sloey and Humphrey Lynch, who are citizens of the State of Illinois, in a plea of trespass and ejectment, for that whereas heretofore, to wit, on the first day of June, in the year eighteen hundred and sixty-two, (A. D. 1862,) at and within the county of Warren and State of Illinois, the said plaintiff was possessed of his own demesne in fee simple of a certain tract or parcel of land, with the appurtenances, situate in the county of Warren, in the State of Illinois, and described as follows, to wit:

The northwest quarter, of section twenty-six, (26,) in township eight (8)

north, and of range one, (1,) west of the fourth principal meridian,
4 which said premises exceed in value the sum of five hundred dollars, and which the said plaintiff claims in fee simple.

And the said plaintiff being so possessed thereof, the said defendants afterwards, to wit, on the same day and year last aforesaid, entered into the said premises, and ejected the said plaintiff therefrom, and from the time last aforesaid have unlawfully withheld, and do unlawfully withhold, from the said plaintiff the possession thereof, to the damage of the said plaintiff of the sum of five hundred dollars, and therefore he brings suit, etc.

E. W. HAZARD, *Attorney for plaintiff.*

To Barnard Sloey and Humphrey Lynch, the above-named defendants:

You are hereby notified that the declaration, with a copy of which you are now herewith served, and to which this notice is attached, will be filed in the circuit court of the United States for the northern district of Illinois, on the first day of the July term thereof, A. D. 1862; and that upon filing the same, a rule will be entered requiring you to appear and plead to said decla-
5 ration within twenty days after the entry of said rule, and that if you neglect so to appear and plead, a judgment by default will be entered against you, and the plaintiff will recover possession of the premises specified in said declaration. Dated this 30th day of June, A. D. 1862.

E. W. HAZARD, *Att'y for Plaintiff.*

STATE OF ILLINOIS,
Knox County, City of Galesburg, ss:

Before me, the undersigned, a notary public within and for said city, county and State, personally came Elliott C. Davidson, who, being first duly sworn, on his oath says he served the within declaration and notice on the thirtieth day of June, A. D. 1862, by delivering a copy of each to each of the within-named defendants, Barnard Sloey and Humphrey Lynch.

ELLIOTT C. DAVIDSON.

Sworn to and subscribed before me this 30th day of June, A. D. 1862.
[SEAL.] HENRY BEARDSLY, *Notary Public.*

Endorsed: Filed July 7, 1862.

WM. H. BRADLEY, *Cl'k.*

6 On the seventh day of July, in the July term of said court, A. D. 1862, in the record of the proceedings thereof in said entitled cause, is the following entry, to wit.

BENJAMIN LOMBARD, JR.,
vs.
BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now comes the plaintiff, by E. W. Hazard, his attorney, who files his declaration in ejectment against the defendants, together with a notice thereto attached, and also an affidavit of a due service of a true copy of said declaration and notice upon the defendants, and on his motion it is ordered by the court that the cause be docketed, and that the defendants be ruled to plead thereto within twenty days, or that their defaults be entered.

On this day, to wit, the twenty-fifth day of July, A. D. 1862, came said defendants, by their attorney, and filed in said clerk's office their plea in said entitled cause, which said plea is in the words and figures following, to wit:

7 UNITED STATES OF AMERICA,
Northern District of Illinois.

BARNARD SLOEY *et als.* *ads.* / BENJAMIN LOMBARD, Jr. } Ejectment.

Circuit court, July term, A. D. 1862,

And now come the said defendants, by their attorney, and defend the wrong and injury, when, &c., and say they are not guilty of unlawfully withholding the possession of the premises described in the declaration, or any part thereof, from the plantiff, in manner and form as described in the declaration, and of this they put themselves on the country, &c.

W. C. GOUDY, *Def'ts Att'y.*

Endorsed: Filed July 25, 1862.

WM. H. BRADLEY, *Cl'k.*

On this day, to wit, the twenty-first day of November, in the adjourned October term of said court, A. D. 1862, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

8 BENJAMIN LOMBARD, Jr., *vs.* BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now come the defendants, by William C. Goudy, esq., attorney, and on motion leave is given to cross-examine the witnesses where depositions *de bene esse* have been taken and filed by the plaintiff in this behalf.

On this day, to wit, the eighteenth day of February, A. D. 1863, in the December term of said court, A. D. 1862, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

BENJAMIN LOMBARD, Jr., *vs.* BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now come the parties, by their attorneys, and upon issue joined come a jury of good and lawful men, to wit: T. D. Gail, Samuel Mitchell, W. S. Allison, Thomas Spear, F. A. Horsman, James McKinney, J. P. True, G. G. Chilcote, W. James Judson, W. Read, O. J. Onderdonk, and Henry Sloan, who are all duly elected, tried and sworn, to well and truly try said issue; and after hearing the evidence, the argument of counsel, and the in-
9 structions of the court, retire to consult on their verdict, with leave, by agreement of the parties, when they shall agree on their verdict, they may sign, seal and deliver the same to the clerk, and disperse.

On this day, to wit, the nineteenth day of February, A. D. 1863, in the December term of said court, A. D. 1862, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

BENJAMIN LOMBARD, Jr., *vs.* BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now come the parties, by their attorneys, and the jury being now returned into court, say they cannot agree on a verdict; thereupon they are by the court discharged from the further consideration of the same, and the cause is continued to the next term.

On this day, to wit, the twenty-sixth day of May, in the adjourned May term of said court, A. D. 1863, in the record of the proceedings thereof in said entitled cause is the following entry, to wit.

10 BENJAMIN LOMBARD, Jr., *vs.* BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now come the defendants, by their attorney, and on motion leave is given to cross-examine Robert H. McFarland, whose deposition *de bene esse* had been taken and filed by the plaintiff.

On this day, to wit, the twentieth day of July, in the July term of said court, A. D. 1863, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

BENJAMIN LOMBARD, Jr., *vs.* BARNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

Now come the parties, by their attorneys, and upon issue joined come a jury of good and lawful men, to wit: Reuben Cleveland, Joseph L. Linell, William Davenport, John S. Russell, J. E. Flagg, Martin Phelps, L. E. Hemingway, Charles Schryner, Geoffrey O. Connell, Anderson Grimes, Benjamin Richardson, and Henry Boger, who are all duly elected, tried and
11 sworn, to well and truly try said issue, after hearing the evidence, the arguments of counsel, and the instructions of the court, return into court the following verdict: We, the jury, find the defendants not guilty, and thereupon the plaintiff moves the court for a new trial.

On this day, to wit, the thirty-first day of July, in the July term of said court, A. D. 1863, in the record of the proceedings thereof in said entitled cause is the following entry, to wit:

BENJAMIN LOMBARD, Jr., *vs.* BERNARD SLOEY and HUMPHREY LYNCH. } Ejectment.

The court having considered, and being now fully advised, on the motion of the plaintiff for a new trial, overrules the same, and awards judgment on the finding of the jury in this behalf.

It is thereupon considered and adjudged by the court, that the defendants go hence without day, and that they have and recover of and from
12 the plaintiff the costs and charges by them expended in and about their defence in this behalf, amounting to the sum of ——— dollars and —— cents, and that they have execution therefor.

Whereupon on this day, to wit, the twentieth day of July, A. D. 1863, came said plantiff, by his attorney, and filed in said clerk's office his bill of exceptions in said entitled cause, which said bill of exceptions is in the words and figures following, to wit:

BENJAMIN LOMBARD, Jr., *vs.* BERNARD SLOEY *et. al.*

In the circuit court of the United States for the northern district of Illinois.

Be it remembered, that on the trial of this cause the plaintiff, to maintain the issues on his part, offered and read in evidence a patent from the United States to "Burr Bradley, son, and the other heirs of Elias Bradley," and that he deduced title to the land described in his declaration from said Burr Bradley, and the other heirs of Elias Bradley by proper deeds of
13 conveyance from them to himself, and rested his case.

The defendants, to maintain the issues on their part, offered and read in evidence a deed from the sheriff of Warren county, Illinois, to one Abner C. Harding, bearing date Dec. 17th, 1847, reciting a sale of said land

to said Harding for the taxes of 1844, conveying said land to said Harding, which said deed was offered as title deducible of record under the limitation law of 1835, and not as evidence of paramount title. The defendants next offered and read in evidence a deed from said Abner C. Harding, conveying said land to Barnard Sloey, one of said defendants, dated July 27th, 1857. The defendant next read in evidence the deposition of said Abner C. Harding, who, in substance, testified that some two or three years previous to the date of the foregoing deed from him to Sloey he leased said land to Sloey, and received rent therefor.

The defendant next read in evidence the deposition of John Cochrane, taken the 24th day of Dec., 1862, who testified as follows:

14 John Cochrane, being carefully examined, cautioned and duly sworn to testify the whole truth, says as follows, to wit: The said John Cochrane says he has known the northwest quarter of sect. 26, 8 N., 1 W., Warren county, Illinois, for about seven years; he went to live with Sloey and work for him, the def., seven years ago, the 20th of April last; Sloey then resided with his family on the adjoining quarter; the land in controversy had been partially broken up before that time, and Sloey was dragging in seed wheat on the land when witness went to work for him; there was no house on the land at that time; it was under fence; a dwelling-house was built on the land that same fall by the defendant Sloey, and witness moved into the house that fall with his family; continued to live in said house for four or five years; was then a tenant of Sloey's; when witness went out another person moved into the house as tenant of Sloey; witness thinks this tenant was a brother of Sloey's; witness left the house in the month of February; the new tenant moved into the house in about a month after witness left; he remained there for a time, and then one Humphrey

15 Linch moved into the house. Lynch moved into the house that same spring, and has lived there ever since; had a family when he went into the house, and his family has occupied the house with him all the time up to this date. Lynch has claimed to occupy the land as tenant of Sloey; the house was a frame house; the lumber for building the house was hauled on to the land in the month of May, seven years ago last May; the lumber remained piled up on the land during the summer; in the fall the house was built out of this lumber, witness cannot say what time in the fall; the house stood in an enclosed field.

Cross-examined by E. W. Hazard, counsel for plaintiff.

Quest. 1. What is your age, where was you born, and where do you now live?

Answer. I am forty-seven years old; was born in Ireland; and now live about six miles from the land in controversy; when I moved from this quarter I moved on to another quarter of Sloey's and remained there about

16 two years; I then moved to where I now live; this was in the month of March last. I lived three miles south of Galesburg, before I went to live with Sloey, on the farm of Henry A. Ferris. I worked for him as a laborer; I worked for Sloey as a laborer, until I bought a team; cannot tell what month I moved into the house; it was pretty early in the fall. Wiliam Kelly was the carpenter who built the house. I cannot tell when he began to work on the house; I think it was in October; nobody else worked on the house; he put it up alone; I came to America twelve years ago this month; McFarland hauled the lumber there on the land, that built this house; he claimed to be the owner of the land; Sloey bought the land of McFarland; the house was a small one-story frame house, with one room.

his
JOHN × COCHRAN.
mark.

The def's next read the deposition of James Singleton, taken Dec. 24th, 1862, who testified as follows:

And the said James Singleton, being carefully examined, cautioned
17 and duly sworn to testify the whole truth, says as follows, to wit:

The said James Singleton testifies as follows: I live about a mile from here; I first knew the land in controversy, NW. 26, 8 N., 1 W., seven years ago the 15th of March last; on that day I moved on to the place joining this quarter with that; this land had about sixty acres fenced and broke; there was no house on it at that time; the house was built about the middle of September of that year. John Cochrane with his family moved into the house about the 1st of October, of that year; he occupied the house as tenant of Sloey; and lived there several years; witness does not know how many; then Sloey's brother moved in for a few months, and made brick; then Lynch moved in and has lived there ever since, claiming to hold under Sloey as tenant; on the 12th or 13th of May, 1855, I saw pine lumber stuck up in the fence on this land; the lumber remained on the fence about two weeks;

Sloey then took it down and piled the lumber on the land, where it re-
18 mained until it was worked into the house. Wm. Kelly was the carpenter who built the house; he built it for Sloey; Sloey lived on the adjoining quarter; had lived there, at that time, seven years.

Cross-ex. by pl'ffs waived.

Sloey claims four quarter sections lying together.

JAMES his × mark. SINGLETON.

The def'ts next read in evidence a second deposition of said John Cochrane, taken ——— ———, in which he testifies as follows, to wit:

And the said John Cochrane, being carefully examined and cautioned, and duly sworn to testify the whole truth, and nothing but the truth, saith: My name is John Cochrane; I am forty-seven years old, am a farmer; reside in Union, Fulton county, Illinois; I am acquainted with section twenty-six, township eight north, one west, in Warren county, Illinois; have known it eight years. I know the def't, Barnard Sloey; have known him eight years in April, 1855; said Barnard Sloey lived on the southwest quarter of said

section twenty-six; he was engaged in farming at that time; his farm
19 was composed of the quarter on which he lived, and about sixty acres of the south part of the northwest quarter of section twenty-six, which was all enclosed in one field, and under cultivation; the said Sloey cultivated and raised a crop on all of said land in the year 1855. I lived in the same house with the said Sloey as his tenant, on the southwest quarter of said section, from the 15th day of April, 1855, to some time in October of the same year, when I removed to a house erected by the said Barnard Sloey, on the northwest quarter of said section 26. I lived in the last mentioned house four years, as tenant of the said Sloey; during all the time that I lived in the house with the said Sloey, and also in the new house, the said Sloey used and occupied the whole of the southwest quarter of section 26, and that portion of the northwest quarter which was under fence as one farm; during the year 1855 I worked for the said Sloey, at putting in and harvesting crops upon his said farm.

JOHN his × mark. COCHRANE.

The def't next read in evidence a second deposition of said James
20 Singleton, in which he testified as follows, to wit:

And the said James Singleton, being carefully examined and cautioned, and duly sworn to testify the whole truth, and nothing but the truth, saith:

My name is James Singleton; I am fifty years old; am a farmer; reside in Union, Fulton county, Illinois. I am acquainted with Barnard Sloey, one of the defendants; have known him about nine years. I know section No. twenty-six, in township eight north, one west, in Warren county, Ill.; know it well; have known it since March, 1855; in March, A. D. 1855, the defendant, Barnard Sloey, lived on the southwest quarter of said section, and was engaged in the business of farming; the whole of the southwest quarter and about sixty acres of the south part of the northwest quarter of said section (26) composed his farm, which was all enclosed in one field, and under cultivation; there was a house on the southwest quarter of said section, in which the said Barnard Sloey lived with his family at that time, (March, 1855,) and in which he continued to live until some time in the
21 year 1857, when he moved into a new house which he built on the southeast quarter of said section (26,) and still continued to cultivate and raise crops upon the whole of the southwest quarter, and that portion of the northwest quarter which was enclosed in the same field, (as stated before,) from March, 1855, up to the present time; from March, 1855, to March, 1858, I lived on an adjoining quarter to the northwest quarter of said section twenty-six; and in the summer of 1855, helped the said Barnard Sloey, harvest and stack wheat grown upon the said northwest quarter of section twenty-six; from March, 1855, until the spring of 1856, the southwest quarter of said section twenty-six, and the south part of the northwest quarter of said section, containing about sixty acres, was occupied by the said Barnard Sloey as one farm, and was during that time enclosed in one field; in the summer of 1856 the said Barnard Sloey commenced breaking and enclosing that portion of the northwest quarter of said section which had not before been improved, and continued from year to year to improve it until
22 the spring of 1859, when he had the whole of the said northwest quarter section under fence and cultivation, as a part of the farm occupied by him (Sloey,) and has continued to occupy it as a portion of his home farm up to the present time.

his
JAMES + SINGLETON.
mark.

The def'ts then read in evidence a deed from the sheriff of Warren county to Barnard Sloey, bearing date Aug. 14th, 1849, and purporting to convey the southwest quarter of section 26, in t'p 8 north, of range one west, of the 4th principal meridian, in Warren county, Illinois, and here rested their case.

The court then charged the jury, in substance, that if they believed from the evidence, that in the spring of 1855, prior to the 30th day of June of that year, the defendant Sloey, under a lease from Abner C. Harding for the whole, enclosed a part of the quarter section of land in dispute, said to be sixty acres or thereabouts, in with the southwest quarter of section 26, in township 8 north, and range one west, of the 4th principal meridian, lying in Warren county, Illinois, and adjoining the land in dispute,
23 and that he cultivated the part thus enclosed, in connexion with and as a part of his home farm, and that before and at the time he so took possession of the land in controversy he resided with his family in a dwelling-house on the southwest quarter of said section twenty-six, and continued to reside there until after a dwelling-house was built and occupied as a residence on the land in dispute, by a tenant of said Sloey, then such residence by said Sloey on said quarter, under said lease from Harding, would constitute an actual residence on the tract of land described in the declaration, as well as on the southwest quarter of said section; and if the jury further find, from the evidence, that while the defendant Sloey so occu-

pied the said northwest and southwest quarters by residence, he built a dwelling-house on the land in controversy, which was thereafter, until the commencement of this suit, occupied by the tenants of, and under the defendant Sloey as a residence, then such residence of said tenants would constitute an actual possession, by residence, of the land in controversy, of
24 the defendants, for the period of time that it existed.

The counsel for the plaintiff admits that the defendants have shown a connected title, deducible of record, from a public officer authorized by the laws of this State to sell the land in controversy for the non-payment of taxes, and such is the fact.

The jury will find, from the evidence, whether the land described in the declaration has been possessed by actual residence thereon, under the title read in evidence by the defendant Sloey, in the manner stated by the court, for seven years next preceding the commencement of the suit, which was on the 30th day of June, 1862; and if they so find, and that the other defendant, Lynch, was the tenant of Sloey, they will find the defendant not guilty.

To which charge thus given by the court the plaintiff then and there excepted. The jury returned a verdict of not guilty, and the pl'ff moved the court to grant a new trial. Which motion of the pl'ff was overruled by the court, and final judg't entered upon the verdict of the jury against
25 said plaintiff. And thereupon the plaintiff prayed an appeal to the Supreme Court of the United States, and filed this his bill of exceptions, and prayed the court to sign and seal the same, which act is accordingly done, this —— day of July, A. D. 1863.

THOMAS DRUMMOND. [SEAL.]

Endorsed: Filed July 20th, 1863.

WM. H. BRADLEY. *Clk.*

On this day, to wit, the first day of August, A. D. 1863, a writ of citation was issued, which said writ is in the words and figures following, to wit:

By the honorable Thomas Drummond, one of the judges of the circuit court of the United States for the northern district of Illinois.

To Barnard Sloey, Humphrey Lynch, and William C. Goudy, their attorney:

Whereas Benjamin Lombard, jr., has lately sued out a writ of error to the Supreme Court of the United States, to reverse a judgment lately rendered in the circuit court of the United States for the northern district of
26 Illinois, in favor of you, Barnard Sloey, and Humphrey Lynch, in ejectment, and against the said Benjamin Lombard, jr., and the said Benjamin Lombard, jr., having filed the security required by law, you are therefore hereby cited to appear before the said Supreme Court, at the city of Washington, on the first Monday of December next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of Chicago, in the northern district of Illinois, the 1st day of August, A. D. 1863, and of the independence of the United States the eighty-eighth.

THOMAS DRUMMOND.

STATE OF ILLINOIS,
Knox county, city of Galesburg, ss:

Marshal C. Hazard, of said city, being duly sworn, on his oath says, that on the 5th day of December, A. D. 1863, he served the following notice by delivering a copy of the same to the said Barnard Sloey. He further says, that the said Humphrey Lynch does not reside upon the premises in controversy in said suit, nor has he any interest whatever in the same.

[SEAL.] M. C. HAZARD.

Subscribed in my presence, and sworn to before me, this 5th day of December, A. D. 1863.

HENRY BEARDSLEY, *Notary Public.*

{U. S. Internal Revenue stamp, 5 cts., cancelled.}

I accept service of this citation, for Humphrey Lynch, on this 7th day of December, 1863.

W. C. GOUDY, *Attorney for Lynch.*

Endorsed: Filed Dec'b. 7, 1863.

WM. H. BRADLEY, *Clk.*

27 On the same day, to wit, the fourth day of August, A. D. 1863, came said plaintiff, and filed in said clerk's office his bond in said entitled cause, which said bond is in the words and figures following, to wit:

BENJAMIN LOMBARD, Jr.,
vs.
BARNARD SLOEY and HUMPHREY LYNCH.

In error to the United States district court for the northern dis't of Ill., at the July term, 1863.

Know all men by these presents that I, Erastus W. Hazard, am held and firmly bound unto the above-named defendants, to wit, the said Barnard Sloey and Humphrey Lynch, in the sum of five hundred dollars, to be paid to the said Barnard Sloey, Humphrey Lynch, their executors and administrators, firmly by these presents. Sealed with my seal, and dated this 1st day of August, 1863:

Provided, however, and this obligation is upon the express condition, that whereas the above named Benjamin Lombard, jr., has prosecuted a writ of error to the Supreme Court of the United States, to reverse the
28 judgment rendered by said circuit court in the above-entitled cause, in favor of said Barnard Sloey and Humphrey Lynch:

Now, therefore, the condition of this obligation is such, that if the above-named Benjamin Lombard, jr., shall prosecute his said writ of error to effect, and shall pay all costs if he fail to make good his plea, then this obligation to be void, otherwise to remain in full force and virtue.

ERASTUS W. HAZARD. [SEAL.]

Approved: THOMAS DRUMMOND.

Endorsed: Filed Aug. 4, 1863.

WM. H. BRADLEY, *Clk.*

29 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for the northern district of Illinois, do hereby certify the foregoing to be a true and correct transcript of the record and proceedings had in the cause wherein Benjamin Lombard, jr., was plaintiff, and Barnard Sloey *et al.* were defendants, as the same appears from the records of said court, now remaining in my custody.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at office in Chicago, this 3d day of December, A. D.
[SEAL.] 1863, and of our independence the 88th year.

WILLIAM H. BRADLEY, *Clerk.*

30 UNITED STATES OF AMERICA,
Northern district of Illinois.

The United States of America, to the judges of the circuit court of the United States, for the northern district of Illinois, greeting:

Because in the record and proceedings, as also the rendition of a judgment in a plea which is before you in said court, between Benjamin Lombard, jr., and Barnard Sloey and Humphrey Lynch, a manifest error hath happened, to the great damage of the said Benjamin Lombard, jr., as by his complaint appears, and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid, in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday in December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the law and custom of the United States, should be done.

31 Witness the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, this 4th day of August, A. D. 1863, and of our independence the 88th year.

[SEAL]

WM. H. BRADLEY, *Clk.*

Filed 12 December, 1863.